IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 675 OF 2005

Appasaheb Shivappa Gavali .. Appellant

Versus

Sou.Krishnabai Appaso Gavali & Ors. Respondents

Mr.V.B. Rajure for appellant

CORAM : P.V.KAKADE, J.

DATE : 8TH AUGUST, 2005.

P.C.:

1. The appellant-husband has preferred this appeal against the judgment and order passed by Addl. District Judge, Kolhapur dated 11.8.2004 dismissing the Regular Civil Appeal No.109 of 1998 and 114 of 1998 and partly allowing Regu. Civil Appeal No.98 of 1998 increasing the monthly maintenance amount from Rs.350/= to Rs.800/= in favour of respondent-wife.

2. I have heard the learned advocate for the appellant. Perused the record.

3. The plaintiff field the suit for maintenance from her husband, as she was legally wedded wife of defendant no.1 and was stretched due to various circumstances and therefore prayed for maintenance at the rate of Rs.1000/= per month. The defendant No.1 contested the suit denying the claim of the plaintiff submitting that she had deserted him and therefore, he was not liable to pay the maintenance.

. The trial court adjudicated the dispute on merits and came to the conclusion that the plaintiff was entitled to the maintenance and granted the amount of Rs.350/= per month as maintenance amount. The trial court also imposed charge on the maintenance amount of suit property to the defendant no.1’s share and decreed the suit to that effect. The appeal was carried to the District Court. In fact there were three appeals. One appeal was filed against the order of imposing charge on the joint family property. The second appeal was filed by the husband against the order of maintenance and third appeal was filed by the wife herself for

increasing the maintenance amount. The learned Addl. District Judge after hearing the concerned parties thought it fit to dismiss the appeals of the husband as well as against the order of charge of the maintenance amount over the suit property and partly allowed the appeal filed by the appellant wife increasing the amount of maintenance to Rs.800/= p.m. Hence the present appeal.

4. At the outset, it may be noted that there is absolutely no substantial question of law involved in this appeal. On perusal of judgments of both the courts below it is seen that they have properly appreciated the entire evidence on record and lower appellate court has rightly increased the amount of maintenance from Rs.350/= to Rs.800/= per month taking into account the relevant aspect including availability of resources to the present appellant and needs and requirements of the life. In other words, there is absolutely no reason why the order to be interfered with and as such the appeal has no merits and stands dismissed.